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5 Attorneys for Defendants
6 CITY OF OAKLAND and Officer
CHRISTOPHER SAUNDERS

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 ANDREW MARTIN,

11 Plaintiff,

12 v.

13 The CITY OF OAKLAND, Officer
14 CHRISTOPHER SAUNDERS (#8254), and
DOE #s 1 through 10,

15 Defendants.

Case No.

NOTICE OF REMOVAL OF ACTION
(28 U.S.C. Section 1446)

16 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA:**

18 **PLEASE TAKE NOTICE** that defendants CITY OF OAKLAND and Officer
19 CHRISTOPHER SAUNDERS hereby request that the state court action described below
20 be removed to this Court pursuant to 28 U.S.C. §1446.

21 **I.**

22 On April 2, 2001, the Complaint in the above-entitled action Civil Case No.
23 837696-3 was filed in the Superior Court of the State of California, County of Alameda
24 and is now pending in that court.

25 **II.**

26 On or about April 2, 2001, defendant City of Oakland was served with a copy

1 of the Complaint. A copy of the Summons and Complaint in the above-entitled action is
2 attached hereto as Exhibit "A." Defendant City of Oakland is informed and believes that
3 none of the named individual defendants has been served with the summons and
4 complaint. These defendants, however, would consent to removal of this action.

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6 **III.**

On May 1, 2001, an Answer was filed in the Superior Court. A copy of the
7 Answer is attached hereto as Exhibit "B".

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9 **IV.**

The above-entitled action is a civil action for violation of plaintiff's civil rights
10 under 42 U.S.C. §1983 based on allegations of deprivation of fourth amendment rights
11 based on excessive force. The Complaint also includes several state tort claims over
12 which this court has supplemental jurisdiction.

13
14 **V.**

The Court has original jurisdiction of the above-entitled action pursuant to 28
15 U.S.C. §1331, and the action may therefore be removed to this Court pursuant to 28
16 U.S.C. §1441(b).

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18 **VI.**

Written notice of the filing of this Notice of Removal is being served on
19 plaintiff on this date.

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3 A true and correct copy of this Notice of Removal is being filed this date with
4 the Clerk of the Superior Court for the State of California, County of Alameda.

5 Dated: May 2, 2001

6 JOHN A. RUSSO, City Attorney
7 RANDOLPH W. HALL, Assistant City Attorney
8 RACHEL WAGNER, Deputy City Attorney

9
10 By: /s/ Rachel Wagner
11 Attorneys for Defendants CITY OF OAKLAND
12 and Officer CHRISTOPHER SAUNDERS
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